

Tentative Rulings for Thursday, November 17, 2016, for Department 8, Judge LaPorte presiding

Zenith Insurance v Hodson & Son Case No. 13 C 0323

Defendant has conceded that its cost fee request should be reduced by \$1054.08 (striking the meal expenses incurred during the trial and reducing the court reporter fee by half)

Plaintiff's motion to strike the hotel fees incurred by defense counsel during the trial is granted. (\$881.40 plus \$797.04.) Code of Civil Procedure §1033.5 only provides for the recovery of travel expenses for depositions, not trials. The court declines to award these expenses under Code of Civil Procedure §1033.5 (c)(4) [items not mentioned may be denied or awarded in the court's discretion].

Defense counsel is to explain Exhibit B (Sommer invoice). The invoice is for \$130 (the amount sought in the cost memo) but it appears to be an invoice for investigation, not service of process.

Defense counsel is to explain the \$909.55 deposition cost of Russ Auker. Plaintiff contends plaintiff noticed and paid for the deposition and witness fee of this defense expert, so he does not understand why defendant is claiming this cost.

Defense counsel is asked to confirm that the Corbo Forensic expert fees incurred after the 998 offer was made January 8, 2016, were reduced from \$10,435 to \$9054. (Plaintiff claims the sum should further be reduced by \$243. Defense counsel is asked to address this contention.)

Defense counsel is asked explain the role of RGL Forensics in this case. (Cost item of \$560.)

In all other respects, the motion to strike or tax costs is denied. The defendant's Code of Civil Procedure §998 offer asked plaintiff to sign a general release. It did not ask plaintiff to enter into a settlement agreement with unknown terms, as was the case in *Sanford v Rasnick* (2016) 246 Cal.App.4<sup>th</sup> 1121, 1131. A requirement that a general release be executed has not been disallowed in a §998 offer. (*Id* at 1130; *Goodstein v Bank of San Pedro* (1994) 27 Cal.App.4<sup>th</sup> 899, 905.)

In re petition to compromise Rodriguez minor claim Case No. 16 P0080

The hearing is ordered off calendar due to the fact that the order to deposit money into a blocked account is now on file. The next hearing in this case is set for December 19, 2016. This hearing will go off calendar if a receipt for deposit signed by a bank officer is on file prior to the hearing.

Tentative ruling for Department 9, Judge DeSantos presiding

Comfort Now Inc v Pegah Properties Investment LLC Case No. 16CV0502

No opposition has been filed. Proper notice of motion was given. The motion to strike the defendant's answer is granted. Defendant Pegah Properties Investment LLC is to file an answer within 10 days (plus five for mailing) from service of the notice of ruling.

There are no other tentative rulings. Consistent with California Rule of Court, rule 3.1308 (a)(2), no notice of intent to appear is required. If the non-prevailing party does not appear for hearing, the tentative ruling will become the order of the court. The prevailing party shall prepare an order for the court's signature.